

## **REMARKS**

### **Summary of the Office Action**

The Specification stands objected to for not including appropriate headings.

Claims 2 and 11 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Claims 1-5, 7, 10-14, and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,425,131 to *Crandall et al.* in view of U.S. Patent No. 6,775,259 to *Ranta*.

### **Summary of the Response to the Office Action**

Applicants have amended independent claims 1 and 10. No new matter has been introduced.

Accordingly, claims 1-7, and 10-16 are presently pending for further consideration, claims 8 and 9 having been withdrawn.

### **Objection to the Specification**

In the Office Action, the Examiner objected to Applicants' Specification for not including headings for the following sections:

- i. CROSS-REFERENCE TO RELATED APPLICATIONS;
- ii. BACKGROUND OF THE INVENTION;
- iii. FIELD OF THE INVENTION;
- iv. BRIEF SUMMARY OF THE INVENTION;
- v. BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S); and
- vi. DETAILED DESCRIPTION OF THE INVENTION.

With respect to headings (i) and (iii), M.P.E.P. § 608.01(a) explains that the suggested arrangement of the specification as referenced by the Examiner is understood to be a preference rather than a requirement. Thus, Applicants have not amended the Specification at this time. With specific regard to heading (i), Applicants note that there is no related U.S. Application at present.

**Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 2 and 11 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse the rejection for the following reasons.

The Office alleges that “it is unclear who is storing the message.” Applicants respectfully disagree. As the breadth of a claim is not to be equated with indefiniteness, Applicants respectfully request that the rejection of claims 2 and 11 be withdrawn. (M.P.E.P. § 2173.04.)

**All Claims Recite Allowable Subject Matter**

Claims 1-5, 7, 10-14, and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Crandall et al.* in view of *Ranta*. Applicants respectfully traverse the rejections for at least the following reasons.

As amended, independent claim 1 recites a method including at least the step of terminating the set up of the call channel once the user message has been communicated without establishing a call. Similarly, independent claim 10 recites a method including at least the step of terminating the setting up of the call channel once a reply to the user message has been received without establishing a call. *Crandall et al.* and *Ranta*, whether taken alone or in combination, fail to teach or suggest at least these features of claims 1 and 10.

The Office equates column 5, lines 1-22 and step 320 in FIG. 3 of *Crandall et al.* with the claimed step of terminating the set up of the call channel once the user message has been communicated without establishing a call. Applicants respectfully disagree. In *Crandall et al.*, a call is established. For example, column 5, line 1 states that the “subscriber answers the telephone call.” Further, step 320 of FIG. 3 “continues until the phone call is disconnected. Accordingly, *Crandall et al.* fails to teach or suggest each and every feature of claims 1 and 10. *Ranta* does not cure this deficiency in *Crandall et al.* Thus, the rejection of claims 1 and 10 should be withdrawn.

As pointed out in M.P.E.P. § 2143.03, all the claimed limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. Because *Crandall et al.* and *Ranta*, whether taken alone or in combination, fail to teach or suggest each feature of independent claims 1 and 10, the rejection under 35 U.S.C. § 103(a) should be withdrawn. Furthermore, claims 2-7 and 11-16 depend from one of independent claims 1 or 10. Accordingly, claims 2-7 and 11-16 are also allowable because of the additional features they recite and the reasons stated above.

### CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account No.

50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR**

**EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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